

DD/A Registry  
78-0971

7 MAR 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM:

[REDACTED]  
Acting Director of Personnel

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SUBJECT: Authority for Training or Education of  
Certain Employees

1. Action Requested. That the Agency seek to incorporate into the pending charter legislation, S-2525, authority to expend appropriated funds for the training or education of employees whose employment is terminated for the convenience of the Agency and who must continue to work elsewhere but whose service with the Agency has not provided them with marketable skills or has not enabled them to keep once-marketable skills up to date.

2. Background. Some Agency employees whose employment is terminated for the convenience of the Agency have spent years developing skills that may not be marketable elsewhere in Government or in private business. As a result, if they have to continue working, they find that they are at a distinct disadvantage in competing for other employment. This includes people who were recruited by the Agency at a young age before they had the opportunity to acquire other skills and those who had significant skills but whose skills became obsolescent as a result of unique Agency service. In both instances, these employees developed their highest skill levels in fields peculiar to the Agency with no ready transferability to the civilian market place.

The Agency has, at various times, been concerned with this problem. In 1965, the Director of Personnel asked the Office of General Counsel for an opinion as to the legality and propriety of expending funds to train or educate prospective retirees in order to improve their qualifications for other employment. The opinion stated that such a program might be authorized under the Director's authority under Section 102(c) of the National Security Act of 1947 and Section 8 of the CIA Act of 1949 if it was based on security considerations and limited in scope.

In 1977, because of the DDO personnel reductions, we asked OGC to re-examine the earlier opinion in terms of "retooling" resignees or early retirees. OGC stated that such a program would not be supportable

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under the legal authorities discussed in the earlier opinion. At most, those authorities could be relied on to justify expenditures on a case-by-case basis, taking into account the special and individualized circumstances of the employee(s) involved. It was OGC's recommendation that a specific appropriation be sought to give the Agency a standing authority to approve such training.

We have looked elsewhere in government to see if other departments or agencies have such authority. We find that, except for FAA, they do not. The Federal Aviation Administration had specific legislation enacted for this purpose in 1972. The FAA bill provides that the Secretary of Transportation may provide up to two years of training to assist air traffic controllers in qualifying for other employment if they must be removed from their duties because of medical disqualification, or removal is required to protect the physical and mental well-being of the controllers, or if they are unable to maintain their technical proficiency.

3. Staff Position. We believe the Agency should have clear authority to provide training to employees whose careers are terminated for the convenience of the Agency and who either have no marketable skills or whose marketable skills are obsolescent, and that specific legislation be sought for this purpose.

A minimum of 10 years of experience in skills peculiar to the Agency is suggested as a prerequisite to the approval of retraining or re-education. Because such a program would facilitate necessary terminations or encourage voluntary attrition, it would serve an important management purpose. Such a program would also discharge a humane obligation to assist loyal and dedicated employees to qualify themselves so as to be able to pursue their livelihood elsewhere.

This program would apply to Agency employees of any component or career service and in either retirement system. The receipt of an annuity would not necessarily be a bar to such training but would be an important factor considered in any approval. Only those who must continue to work would be eligible. Training would not be given for personal growth, cultural enrichment or the pursuit of hobbies, and would have to have some relationship to the person's background or aptitudes, relevance to the job market, a clear connection to reasonable employment objectives and a reasonable expectation that the training actually would assist in qualifying the person for employment in a field related to the training.

The matter of an annuity in relation to approval for such training would be considered in the context of the person's goals, circumstances and responsibilities. A person who, for example, is single, whose employment is terminated and who will receive an annuity of \$18,000 is a case quite different from that of a married person with the same annuity but having four children, even though both persons may indicate a need to continue working.

We would have to devise a system for the receipt and review of requests for training and for the approval and monitoring of such training. At the present time we envision that the career services would either nominate employees to receive this type of training or would make recommendations on employees' requests for training. A special board would be established to review and approve requests. Board membership should consist of representatives from each Directorate and from the Office of Training with the Board chaired by the Director of Personnel or his designee. Representatives from OGC, Central Cover Staff and the Office of Security would act as advisors. Once training was approved, the Office of Training would assume responsibility for monitoring the training to ensure that the person actually enrolls and continues in training and performs at a satisfactory level and that the training objectives are being met.

4. Recommendation. That you authorize the Office of Personnel, in conjunction with the Offices of Legislative Counsel and General Counsel to initiate an amendment to the pending legislation to provide for this special training authority.

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APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

DATE: \_\_\_\_\_

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## ROUTING AND RECORD SHEET

OIC-78-1039

SUBJECT: (Optional)

Authority for Training or Education of Certain Employees DPA

FROM: John F. Blake  
Deputy Director for Administration  
7D24, Hqs.

EXTENSION

NO.

DDA 78-0971/1

DATE

13 MAR 1978

TO: (Officer designation, room number, and building)

DATE

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OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Associate Director of  
NFAC for Management

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Paul:

The Office of Personnel has proposed in the attached memorandum that we seek to incorporate in the pending charter legislation authority to use appropriated funds to train employees terminated for Agency convenience and left without marketable skills. The proposal has merit, and I believe it should be included in our proposals for modification of the Senate proposal S.2525. I am not submitting the memorandum to the Director as proposed by the Office of Personnel, but I am routing a copy of this to him to let him know that we will be proposing this to the SSCI staff.

/s/ John F. Blake

John F. Blake

Att: a/s

cc: ✓ OLC  
OPFORM  
3-62

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